





# THE DAILY COMMONWEALTH.

## KENTUCKY LEGISLATURE.

### IN SENATE.

MONDAY, Jan. 30, 1854.  
Prayer by the Rev. J. H. LINS, of the Methodist Church.

MESSAGE FROM THE H. R.  
A message was received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

An act for the benefit of George Stivers, Sen., of Clay county.  
An act establishing an additional Magistrate and Constable District in Boone county.  
An act for the benefit of Alanson Mooreman, of Meade county.

An act establishing the town of Defiance, in Fleming county.

An act to change the State road in Graves county.

An act to authorize a bridge to be built across Bayou de Chien, in Fulton county.

An act to amend an act, entitled, an act to incorporate the Lewis Pottery Company.

An act to incorporate the "Mutual Assistance Society" of the city of Louisville.

An act to change the line between the 1st and 2d election and Magistrate Districts, in Jessamine county.

An act to authorize the County Court of Lawrence to establish one additional Justice district and election district and election precinct therein.

An act for the benefit of the Jailor of Livingston county.

That they had passed a bill from the Senate to increase and prescribe the time of holding the Lewis and Greenup Circuit Courts.

PEITITIONS IN AID OF COLONIZATION.

Were presented, and appropriately referred by Mr. D. H. SMITH, of sundry citizens of Fayette county; Mr. MUNDAY, of sundry citizens of Madison county; Mr. PALMER, of sundry citizens of Marion county; Mr. MACHEN, of sundry citizens of Livingston county; praying an annual appropriation of \$5,000 for five years, to aid in colonizing the free blacks in Kentucky.

PEITITIONS.

Mr. BLAIN presented seven petitions, which were received and appropriately referred.

LEAVE TO BRING IN BILLS.

Mr. KOHLHASS—Internal Improvement—A bill from the H. R. to authorize the county of Fayette to issue bonds to the Covington and Lexington Railroad Company in lieu of lost bonds: passed.

Same—A bill from the H. R. to amend the charter of the Nashville and Cincinnati Railroad Company: said bill was amended.

Mr. MACHEN proposed further to amend said bill by striking out the first part of section five, which is as follows:

"That the county court of any county through which said railroad, or any of its branches, may pass, is hereby authorized and empowered to subscribe to the capital stock of said company, in the name of said county, not exceeding in any one county the sum of three hundred thousand dollars, but no such subscription shall be made until after such county shall have submitted the question of such subscription to the legally qualified voters of such county, and the majority shall have received in favor of it a majority of all the votes cast."

Mr. MACHEN urged the adoption of his amendment upon the ground that the part it proposed to strike out was unconstitutional, before any vote was taken the hour for the orders of the day arrived.

MESSAGE FROM THE GOVERNOR.

A message was received from the Governor, by Mr. GREEN, Assistant Secretary of State, nominating Trustees for the Cumberland Hospital, which nominations were confirmed.

ORDERS OF THE DAY.

The Senate resumed the consideration of the bill to increase the rate of legal interest in certain cases.

The question pending was the motion of Mr. GHOLSON to strike out per cent. 7 and insert "ten per cent. 7" and the question being taken, the amendment was rejected—yeas 4; nays 30.

Mr. STONE proposed an amendment, which was rejected.

Mr. WADSWORTH proposed to amend the bill so as to make it provide that if a greater rate of interest than eight per cent. is contracted for the parties shall only recover six.

Mr. HARRIS moved to lay the bill and amendment on the table, and the question being taken, it was decided in the negative—yeas 14; nays 20.

The question being taken the amendment of Mr. WADSWORTH was adopted.

The previous question was then demanded, and the bill was ordered to have its third reading on to-morrow at 11 o'clock.

A bill in relation to the Covington and Louisville or Louisville and Covington Railroad Company was next taken up in the orders of the day.

Said bill was amended, and the further consideration of the same postponed until Friday next.

A bill to amend the law in relation to conveyances, such as deeds of trusts and mortgages, and to regulate the effect of such conveyances.

After some remarks from Mr. GHOLSON, in opposition, and Messrs. WOLFE and HARDIN in favor of the bill, the further consideration was postponed until Wednesday, Feb. 8th.

REPORT FROM A SELECT COMMITTEE.

Mr. MACHEN—A bill for the benefit of Elisha Breeding, late Sheriff of Letcher county: the bill was amended so as to make its provisions apply to the late Sheriffs of Knox county, and passed.

MOTION.

On motion of Mr. WADSWORTH, Mr. T. J. SMITH was added to the committee on Finance.

REPORTS FROM A STANDING COMMITTEE.

Mr. BLAIN—A bill for the benefit of the Sheriff of Todd county: passed.

ORDERS OF THE DAY—RESUMED.

A bill to amend an act, entitled, an act further to protect the rights of married women.

On motion of Mr. SPENCER, the further consideration of said bill was postponed until Wednesday next.

A bill to suppress the circulation of foreign bank notes in this Commonwealth.

On motion of Mr. MUNDAY, said bill was laid on the table—yeas 26; nays 9.

A bill to exempt the homestead from sale under execution.

[Exempts property not exceeding \$500 in value.]

Mr. DeCOURCY moved to strike out \$500, and insert \$1,000; negatived.

Mr. ELLIS moved to lay the bill on the table, and the question being taken it was decided in the negative—yeas 17; nays 18.

And then the Senate adjourned.

### HOUSE OF REPRESENTATIVES.

MONDAY, Jan. 30, 1854.

PEITITIONS.

Petitions were presented by Messrs. RALEY, (2), HUNT, GIVEN, LEWIS, WOOLSEY, HICKMAN and HASELWOOD, and appropriately referred.

HOUSE OF MEETING.

On motion of Mr. W. ALEXANDER, the rules were dispensed with, and he was permitted to offer a resolution, providing that this House shall hereafter convene at 9 o'clock: adopted.

REPORTS FROM STANDING COMMITTEES.

The House resumed the consideration of the report of the committee on Ways and Means, asking to be discharged from the further consideration of the leave to them referred, to bring in a bill modifying the law in relation to Supervisors. [It was incorrectly stated in Saturday's paper, that the committee were then discharged.]

Remarks were made by Messrs. READ and BATES, and the question being taken, the committee were discharged, and the subject was referred to a select committee, consisting of Messrs. READ, GRAY and ALLEN.

Mr. LEWIS, from the committee on Internal Improvements, reported a bill to incorporate the Louisville and Newport Branch Railroad Company: referred to the committee of the Whole, for next Monday.

Same committee—A bill to incorporate the Louisville and Memphis Railroad Company: ordered to be printed, and referred to the committee of the Whole for to-morrow week.

Same committee—A bill to amend the charter of the Henderson and Nashville Railroad Company: referred to the committee on the Judiciary, and ordered to be printed.

Same committee—A bill to authorize and require the Barren County Court to subscribe to the capital stock of the Nashville and Cincinnati Railroad Company: passed.

Same committee—A bill to amend the charter of the New Orleans and Ohio Railroad Company: passed.

Same committee—A bill for the benefit of the Lexington and Frankfort Railroad Company.

Mr. HUNT explained and advocated the bill.

Mr. JONES, of Shelby, moved to add the following to the bill.

"Resolved, That the company shall be required to fence in the tract of said road, and on their failure to do so, they shall be liable for any stock that may be killed or injured by the cars of said road."

After some remarks in relation to the amendment of Mr. JONES, from Messrs. HUNT, JONES, of Shelby, T. ALEXANDER, LEWIS, TAYLOR, and SIMMONS, the question was taken, and the amendment of Mr. J. was rejected.

The bill then passed.

Mr. BATES, from the committee on Ways and Means—A bill for the benefit of Henry Woodard: passed.

### CONGRESSIONAL APPOINTMENT.

The House proceeded to consider the special order, namely, the resolution offered by Mr. WOODSON, and the substitute therefor offered by Mr. M. C. JOHNSON, (both on Saturday last) in relation to the proper basis of Congressional apportionment.

The resolution of Mr. WOODSON is as follows:

"Resolved, That the committee appointed by this House to apportion and lay off the State into Congressional Districts, shall adopt as the basis of apportionment, the number of free white inhabitants in the State, as shown by the census of 1850."

The substitute of Mr. M. C. JOHNSON is as follows:

"Resolved, That the Federal representative population according to the census of 1850 shall be the basis for apportioning the Congressional Districts."

Mr. WOODSON moved the following, as a substitute for both resolutions:

"Resolved, That the committee appointed by this House to lay off the State into Congressional Districts, be and they are hereby instructed to base the apportionment of representation upon the number of qualified voters in the State, as shown by the second Auditor's Report for 1850."

Mr. M. C. JOHNSON said that the basis of apportioning the Congressional Districts proposed in the substitute, was in accordance with the Federal Constitution. The basis in the resolution entirely excludes all consideration of slaves, although the slaves gave to Kentucky two or nearly two Representatives in Congress.

That to give to the slaves the same influence in electing the State, that they gave in increasing the number of Representatives would be fair to every section, and do justice to none. Were there districts in which there was not a slave, they could not complain if they had a representative for every 80,000 inhabitants, which is the number that gives a representative. They could have no cause of complaint that they are not allowed to appropriate the same influence to the slaves in other sections.

According to the Federal Constitution, giving to the State, he considered the proposition of the gentleman from Knox as a repudiation of the principle of the Constitution giving a three fifths representation to slaves. It is well known that the Northern States oppose this principle as unjust to them, and no argument can be urged in regard to the district that will not apply equally to the State. He did not expect to have an opposition to it from a slave State, and he thought it was wholly inexpedient for a slave State to unite with Northern States in opposition to it. He hoped, therefore, that his substitute would be adopted.

Mr. WOODSON remarked in substance:

1st. That there is nothing in the Constitution of the United States, requiring the federal basis to be adopted by the States, in apportioning Congressional representation. The Constitution only declares that representation and direct taxes shall be apportioned among the States according to their respective numbers, leaving the basis to be adopted entirely to the States.

As an evidence of this, until recently, many of the States elected the number of members to which they were entitled under the general ticket system, and as a matter of course three fifths of the slaves were represented. As an evidence of this, he referred to the Madison papers, and particularly to Mr. Sherman's speech in the convention upon the subject.

In the third place, the federal basis gives to certain counties and districts an improper advantage. For instance, the county of Whitley has 7246 free white inhabitants and only 201 slaves. Woodford county has 6049 free white inhabitants and only 2792 slaves. Thus Whitley with 1187 more free white inhabitants than Woodford, gains by her slaves to the federal basis only 120, whilst Woodford gains by her 32821. Further, in the 11th judicial district there are, as shown by the census of 1850, 57,199 free white inhabitants and 35,104 slaves; whilst in the 12th judicial district, which lies adjoining, there are 57,409 free white inhabitants and only 2792 slaves. Thus the 11th district gains by her slaves 21,100, whilst the 12th, with 380 more free white inhabitants, only gains 1,650. Such an inequality will not be willingly submitted to. And whilst he was as far as any member upon this floor from cherishing any sympathetic feeling with those who desire to interfere with the constitutional rights of the South, as secured by the Constitution, yet he was not willing to see those parts of the State where there were few slaves, overshadowed and deprived of their political privileges and rights, not by the slaveholders, but by the slaves. He was unwilling in the apportionment of representation in Kentucky amongst freemen, to see slaves taken into the calculation, and five slaves counting as much as three white men. He advocated the resolution offered by him at considerable length.

But the further consideration of the subject was cut off by an announcement of the orders of the day.

GEOLOGICAL AND MINERALOGICAL SURVEY OF THE STATE.

The House resolved itself into a committee of the Whole, Mr. LEWIS in the chair upon the bill providing for a Geological and Mineralogical survey of the State.

[The first section of the bill provides for the appointment, by the Governor, of a Chief Geologist, who shall be a person of competent scientific and practical knowledge of the sciences of geology and mineralogy, and requires said geologist, by and with the consent of the Governor, to appoint two suitable persons to assist him in the discharge of his duties, one of whom shall be a competent and skillful chemist.]

The second section was upon the amendment of Mr. BUSH, to strike out the word "two" (in italics above) and insert "not exceeding four."

Mr. HUNT opposed the amendment of Mr. BUSH.

Mr. HAUSER moved to amend the amend-

ment by striking out thereof the words "not exceeding four" and inserting the words "one or more."

Mr. H. advocated his substitute.

Mr. BUSH opposed the substitute, and advocated his amendment.

The question was then taken, and the amendment of Messrs. HAUSER and BUSH were both rejected.

After various other amendments were offered, some of which were adopted, on motion of Mr. HUNT, the committee rose, and reported the bill to the House, with the amendments. The amendments were concurred in, and the bill, as amended, reads as follows.

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Governor is hereby authorized and required, as soon as may be after the passage of this act, to appoint a State geologist, who shall be a person of competent scientific and practical knowledge of the sciences of geology and mineralogy, and the said State geologist shall, by and with the consent of the Governor, appoint two suitable persons to assist him in the discharge of his duties, one of whom shall be a competent and skillful chemist.

§ 2. Be it further enacted, That it shall be the duty of the said State geologist and his assistants, as soon as may be practicable after his said appointment, to commence and carry on, with as much expedition and dispatch as may be consistent with minuteness and accuracy, a thorough geological, mineralogical and chemical survey of this State, with a view to determine the order, succession, arrangement, relative position, and comparative magnitude of the several strata or geological formations of this State, and to discover and examine all beds or deposits of ore, coal, and such other mineral substances as may be useful or valuable, and to analyze the same, and to perform such other duties as may be necessary to make a full and complete geological, mineralogical, and chemical survey of this State.

§ 3. That it shall be the duty of the said State geologist and his assistants to make full and complete examinations, assays, and analyses of all such rocks, ores, or other substances, as may be submitted to them for that purpose, and to furnish, if required, a detailed and complete account of the results so obtained; and at the court house of each county in this State, in which he shall discover valuable mineral deposits, the said geologist shall deliver either written or verbal discourse upon their examinations, assays, and analyses of all such rocks and ores within such county. Said geologist or his assistant, shall deposit at the clerk's office of such county, in which he shall discover minerals, such specimens as he may deem of value, for the inspection of the citizens and visitors of such county.

§ 4. That it shall be the duty of the said geologist and his assistants to visit and make such an exploration of each county in this State, beginning with the mineral regions, as will be sufficient to satisfy him whether it contains valuable mineral deposits, and the extent, nature and value of such deposits.

§ 5. That it shall be the duty of the said geologist and his assistants, on or before the first day of December in each and every year, to make a report of the progress of said survey, accompanied with such maps, drawings, and specimens, as may be necessary and proper to exemplify and elucidate the same, to the Governor, who shall lay such report before the General Assembly.

§ 6. That it shall be the duty of the said State geologist and his assistants to forward to the Governor, from time to time, during the progress of said survey, such specimens of rocks, ores, coals, and other mineral substances or useful matters discovered and examined, as may be proper and necessary to form a complete cabinet of the specimens of geology, mineralogy, and other natural statistics of the State; and the Governor shall cause the same to be deposited in proper order in some convenient room in the State capitol, there to be preserved for public inspection.

§ 7. That for the purpose of carrying into effect the provisions of this act, the sum of ten thousand dollars be, and the same is hereby appropriated, to be expended under the direction of the Governor; provided, however, that the principal geologist shall not receive more than seven dollars per day, nor the assistants more than five dollars per day each, for the time they are in actual service; And, provided, further, that the appropriation herein made shall only be used so far as the Governor may find, on investigation, necessary to obtain the services of a competent geologist and assistants during that part of the year when such geologist is actively employed in the prosecution of such survey.

§ 8. The Governor shall have power to remove any of the persons appointed under this act, for negligence or incompetency, or any other cause which he may deem sufficient for such removal, and appoint others in their stead.

Mr. BATES moved to lay the bill and amendments on the table: negatived—yeas 23; nays 51.

[Material points of difference exist between the bill, as above reported, and the original bill reported by the committee.]

The principal amendments are in italics.

1. All in the original bill which related to a botanical investigation was stricken out, on motion of Mr. HUNT.

2. The latter portion of the third section of the bill made it imperative upon the Geologist to deliver, at the court house of each county in the State, either a written or verbal discourse upon their examinations, assays and analyses of all such rocks and ores within such county. It was amended, (as above) at the suggestion of Mr. HANSON, who was not willing to vote for the bill, until such amendment was made.

3. The latter portion of the 3d section of the amended bill commencing with the words "the Geologist," &c., was incorporated in the bill on motion of Mr. READ.

4. The fourth section of the original bill left it discretionary with the Geologist as to what portion of the State he should first visit. It was amended on motion of the SPEAKER, (Mr. Wintersmith) so as to require the survey to commence at the seat of government.

5. The latter portion of the fourth section, commencing with the words "as will be," was added to the section, at it originally stood, on motion of Mr. HUNT, and at the suggestion of Mr. HANSON.

6. The original bill appropriated \$15,000. That sum was stricken out, on motion of Mr. HOFFMAN, and \$10,000 inserted.

7. The eighth section was added to the original bill on motion of the SPEAKER.

Mr. D. B. JOHNSON thought that proper respect for the chairman of the committee, reporting the bill, who was necessarily absent, and who had this measure greatly at heart, would require its postponement to a future day. He therefore moved to postpone it until Friday, at 12 o'clock: carried.

And then the House adjourned.

### THIRTY-THIRD CONGRESS.

First Session.

WASHINGTON, Jan. 26.

SENATE.—Mr. Bell inquired of the committee on Commerce if it was sanctioned to report a bill for the improvement of rivers and harbors.

Mr. Hamlin said it was the conclusion of the Senate's committee to wait until the House committee's bill came up from that body, and that there was no intention of departing from the usage.

Mr. Bell urged the propriety of the Senate's committee reporting a general bill without waiting for the House committee.

A short debate on certain amendments made by the House to the bill for the payment of invalid pensions, providing for the relief of the officers of the army and navy, and troops who were on board of the steamer San Francisco, and for the widows of those who were lost, the bill as amended was passed.

After some unimportant business, the Senate went into executive session, and confirmed H. S. Redfield collector for the port of New York, by a vote of 37 to 9.

HOUSE.—After Mr. Ettridge had concluded,

the committee acted on various resolutions referring the President's message to the various committees.

Such portion of the document as relate to the Pacific Railroad was referred to a special committee on that subject.

The House again went into executive on the deficiency bill.

The remainder of the time was occupied by a debate on New York politics.

Gov. Smith, of Va., defended the administration against the attacks of the New York Harbors.

WASHINGTON, Jan. 27, 1854.

SENATE.—A message was received from the President in answer to Mr. Cass's resolution relative to the character of the mission of the Pope's nuncio to the United States.

The correspondence shows that Redini, the Pope's nuncio, on his way to Brazil, was simply instructed to call on the President of the United States and deliver a letter of congratulation, and expressive of the Pope's kindly feeling towards the inhabitants of the United States.

After some debate, the private calendar was taken up and some bills passed, when the Senate adjourned.

HOUSE.—The House went into a committee on private bills. A large number were reported but not acted upon.

The House then adjourned.

WM. WILKES, JOS. E. SHERIDAN, CHAS. H. LEWIS.

WILKES, SHERIDAN & CO.

FRANCIS CHINA, BOHEMIAN & FRENCH GLASS, AND EVERY VARIETY OF IRONSTONE, CHINA, AND EARTHENWARE.

REFRIGERATING GOODS.

Dealers, also, in all kinds of Goods for Steamboats, Hotels, and Families, including SILVER-WARE, JAPANESE, and CUTLERY, and American Glassware, No. 31 Fourth street, Granite Stone Front, between Main and Market.

LOUISVILLE, KY.

The connection and superior quality of our house with one of the largest and oldest importing establishments in the Western country, enables us to offer the finest assortment of rich goods in this market.

Now, therefore, I, LAZARUS W. POWELL, Governor of the Commonwealth of Kentucky, do hereby offer a reward of five hundred dollars for the apprehension and delivery to the jailer of the jailer of Fayette county within one year from this date.

Given under my hand and seal of the Commonwealth of Kentucky, at Frankfort, this 26th day of November, 1853, and in the 62d year of the Commonwealth.

L. W. POWELL.

By the Governor, J. P. METCALFE, Secretary of State.

DESCRIPTION.

BORRIS is an Irishman, but speaks English well; is about 35 years of age; height 5 feet 8 inches; weighs 160 lbs; long hair and whiskers, and was dressed, when last seen, in a clouded coat and kossuth hat, and is about 5 feet 8 inches high, and weighs 160 lbs; he is a dark brown horse, which belonged to the deceased.

For JOHN FOSTER, of Va.

Nov. 18, 1853—2m.

Proclamation by the Governor.

\$500 REWARD.

WHEREAS it has been represented to me that James W. HERRAS, at the city of Lexington, Fayette county, Ky., kill and murder Patrick Heffernan, and has fled from justice and is now going at large.

Now, therefore, I, LAZARUS W. POWELL, Governor of the Commonwealth of Kentucky, do hereby offer a reward of five hundred dollars for the apprehension and delivery to the jailer of the jailer of Fayette county within one year from this date.

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